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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 98-060

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. The word “shall” should replace “shall” in s. HFS 167.05 (3) (intro.) since the word is part of the current rule.

b. In s. HFS 167.05 (4) (a), “an” should be inserted after “with” in the second sentence. Also, subds. 1. to 4. should end with periods.

c. In s. HFS 167.05 (4) (b), it appears that the term “on-duty staff” should be changed to “on-line staff”, which is a defined term in s. HFS 167.03 (6). If it is deemed necessary to include the concept of being on duty in s. HFS 167.05 (4) (b), s. HFS 167.05 (4) (b) could refer to “a member of the on-line staff identified in sub. (3) (a) to (f) who is on duty.”

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The analysis indicates that a poison information provider may be a licensed practical nurse who has medication-dispensing experience. However, s. HFS 167.05 (4) (a) 4. refers only to a licensed practical nurse, licensed under ch. 441, Stats., without requiring that the nurse have medication-dispensing experience. This apparent discrepancy should be clarified.

b. Section HFS 167.05 (4) (a) (intro.) refers to a person who provides “poison information to manage non-toxic poison exposures.” What constitutes “non-toxic poison exposures”?

c. Current s. HFS 167.05 (3) (g) refers to a “person employed as an on-line staff member at a center on May 1, 1994, who has worked in that capacity at the center for at least 3 years and who receives at least 16 documented hours of continuing education each year in interpreting poison data and in providing poison intervention and management information.” The role of such a person is unclear under the proposed rule. The person is still listed in s. HFS 167.05 (3) as a person who interprets poison exposure data and provides poison intervention and management information. However, s. HFS 167.05 (4) (b) does not provide for referring incoming calls to such a person because it refers only to on-line staff identified in s. HFS 167.05 (3) (a) to (f).

If any employee continues to meet the criteria in s. HFS 167.05 (3) (g), how will tasks be assigned to such a person? If, as appears to be the case, such a person can provide services if he or she happens to answer the telephone directly, why can a poison information provider not refer calls to such a person?